

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

POWER MANAGEMENT ENTERPRISES,)
LLC, a Texas Limited Liability Company,)
Plaintiff,)
v.) Civil Action No. 2:13-cv-00639
DELL INC., a Delaware corporation,)
Defendant.)

**PLAINTIFF POWER MANAGEMENT ENTERPRISES, LLC'S ANSWER
TO DEFENDANT TOSHIBA AMERICA INFORMATION SYSTEMS, INC.
COUNTERCLAIMS**

Plaintiff Power Management Enterprises, LLC ("PME") presents its Answer to Defendant Dell Inc.'s ("Dell") Counterclaims, showing this Honorable Court as follows.

DELL'S COUNTERCLAIMS

PME admits that Dell has asserted counterclaims.

PARTIES

1. Admitted.
2. Admitted.
4. Admitted.

JURISDICTION & VENUE

3. Admitted.
4. PME admits that the counterclaims are brought pursuant to the Declaratory Judgment Act and the patent law of the United States.
5. PME further admits that venue is proper in this District. PME denies the remaining allegations of paragraph 5.

COUNT ONE
DECLARATORY JUDGMENT
NON-INFRINGEMENT OF THE '485 PATENT

6. In reply to paragraph 6, PME repeats and realleges its replies to paragraphs 1 – 5 of Dell's Counterclaims.
7. Admitted.
8. Admitted.
9. Denied.
10. Admitted.
11. Denied.

COUNT TWO
DECLARATORY JUDGMENT FOR INVALIDITY
OF THE '485 PATENT

12. In reply to paragraph 12, PME repeats and realleges its replies to paragraphs 1 – 11 of Dell's Counterclaims.
13. Admitted.
14. Denied.

15. Admitted.

16. Denied.

COUNT THREE
DECLARATORY JUDGMENT
NON-INFRINGEMENT OF THE '488 PATENT

17. In reply to paragraph 17, PME repeats and realleges its replies to paragraphs 1 – 16 of Dell's Counterclaims.

18. Admitted.

19. Admitted.

20. Denied.

21. Admitted.

22. Denied.

COUNT FOUR
DECLARATORY JUDGMENT FOR INVALIDITY
OF THE '488 PATENT

23. In reply to paragraph 23, PME repeats and realleges its replies to paragraphs 1 – 22 of Dell's Counterclaims.

24. Admitted.

25. Denied.

26. Admitted.

27. Denied.

PRAYER FOR RELIEF

PME denies the allegations in Dell's Prayer for Relief. PME denies that Dell is entitled to a judgment, declaration, award, or relief of any kind. Dell's Prayer should be denied in its entirety with prejudice.

November 11, 2013

Respectfully submitted,
By: /s/ Andrew W. Spangler
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Attorneys for Plaintiff Power
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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 11th day of November, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Andrew W. Spangler
Andrew W. Spangler